

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Stephen O'Neil Simpson,
TDCJ No. 738373,

Plaintiff,

v.

Civil Action No. SA-09-CV-0125-NN

Officer Adam Cruz,
Officer James Flores,
Officer Anthony Corpus,
Officer Shelley Grayson,
Sergeant Michael Huser,
Lieutenant Szndra Hartoon,
Lieutenant Brian Peterson,
Major Darren Wallace,
Lieutenant Alberto Diaz,
Sergeant Lionel Porras,
Sergeant Vernet Davis,
Lieutenant Robert Bluhm,
Sergeant Steven Havard,
Assistant Warden Gary Hunter,
Warden Paul Morales,
L.V.N. Peggy Gohlke,
Officer Tiffany Smith,
Officer Francine Agüero,
Officer Jose Agüero,
Officer Paul Martinez,
O.I.G. David Guajardo,
O.I.G. Shelia Thomas,
O.I.G. Jonny Santana,
Director Rick Thaler,

Defendants.

ORDER EXTENDING TIME TO FILE NOTICE OF APPEAL

This order addresses plaintiff Stephen O'Neil Simpson's motion for an extension

of time to file a notice of appeal. Rule 4 provides that a notice of appeal “must be filed with the district clerk within 30 days after the judgment...appealed from is entered.”¹ Simpson seeks to appeal to a judgment entered on October 5, 2011. Rule 4 permits the trial court to extend the time to file a notice of appeal if an appellant asks for an extension of time within the time period for filing a notice of appeal.² Simpson’s motion was filed within the time for filing a notice of appeal. Because the rule permits the court to extend the deadline for filing a notice of appeal until “14 days after the date when the order granting the motion is entered,”³ I grant Simpson’s request (docket entry # 150) and extend his deadline until November 29, 2011.

The Clerk is DIRECTED to provide a copy of this Order to Simpson at TDCJ Wynne Unit, 810 FM 1821 West, Huntsville, Texas 77349.

SIGNED on November 15, 2011.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

¹Fed. R. App. P. 4(a)(1)(A).

²Fed. R. App. P. 4(a)(5) (“The district court may extend the time to file a notice of appeal if...a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) regardless of whether its motion....”).

³Fed. R. App. P. 4(a)(5)(C) (“No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.”).